

### REMARKS

Claims 1, 26, 51, 54-60, 62-68, 71-82, 84, 85, 88, 92 and 94 are pending with claims 1, 26, 51, 84 and 85 being independent. Claims 1, 26, 51, 84 and 85 have been amended. The amendments find support in the published application at paragraphs [0104] (noting that the biological information may be collected after turning on the communication device), [0105] (noting that the collected biological information is compared to the stored biological information) and [0114] (noting that data does not need to be exchanged during the identification process), and FIG. 1 (showing that the comparison of the collected biological information with the stored biological information from the internal memory occurs immediately after collecting the biological information and before connecting to the internet such that the stored reference biological information would necessarily be stored in the internal memory before turning on the communication device and collecting the biological information). No new matter has been introduced.

Initially, applicant thanks the Examiner for the personal interview granted to the undersigned on March 17, 2010. As agreed at the interview, the claims have been amended to recite that the reference biological information is stored prior to receiving the biological information from the client, and, in particular, that the reference biological information is stored prior to turning on the communication device while the biological information is received after turning on the communication device. As also agreed at the interview, the amendments to the claims overcome the current rejections.

Independent claims 84 and 85 have been rejected as being anticipated by Li (U.S. Patent No. 6,219,793). Applicant requests reconsideration and withdrawal of this rejection because Li does not describe or suggest “a storing means for storing a reference biological information of the client prior to turning on the portable communication device” and “a reading means for reading a biological information of the client after turning on the portable communication device,” as recited in claim 84, or “storing at least one reference biological information of the client in a portable communication device prior to turning on the portable communication

device" and "reading a biological information of the client after turning on the portable communication device," as recited in claim 85.

Instead, Li employs a "challenge-response" authentication process to confirm the identify of a user. Li's use of a challenge-response approach is a fundamental difference between Li and the claimed subject matter. Li's process involves an exchange of data between a server and a client (the phone), and requires the server to complete the identification process (see steps 312 and 313 of Li's Fig. 3B). Thus, in Li's system, the phone is required to communicate with the server in order to complete the identification process.

As noted in the rejection, Li's telephone receives and stores the reference token. This reception and storage occurs after the telephone is turned on as part of Li's challenge-response exchange and, accordingly, Li does not describe or suggest the features of claims 84 and 85 noted above.

Claims 92 and 94, which depend from claims 84 and 85, have been rejected as being unpatentable over Li. Applicant requests reconsideration and withdrawal of this rejection for the reasons discussed above with respect to claims 84 and 85.

Claims 1, 26, 51, 54-60, 62-68, 71-82 and 88 have been rejected as being unpatentable over Li in view of Nagayoshi (U.S. Patent No. 6,839,798). Similarly to claims 84 and 85, independent claim 1 recites "a nonvolatile memory for storing at least one reference biological information of the client using the portable communication device, the stored biological information being stored in the nonvolatile memory prior to turning on the portable communication device" and "a sensor for reading at least one biological information of the client after using the switch to turn on the portable communication device"; independent claim 26 recites "reading at least one biological information of the client by a sensor in [[a]] the portable communication device after turning on the portable communication device" and "the stored reference biological information being stored in a nonvolatile memory in the portable communication device prior to turning on the portable communication device"; and independent claim 51 recites "storing at least one reference biological information of the client in a nonvolatile memory in the portable communication device prior to turning on the portable

communication device" and "reading at least one biological information of the client after turning on the portable communication device." Accordingly, applicant requests reconsideration and withdrawal of this rejection for the reasons discussed above with respect to claims 84 and 85, and because Nagayoshi, which is cited as showing a flash memory device, does not remedy this failure of Li.

Applicant submits that all claims are in condition for allowance.

No fees are believed to be due. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

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